IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.52393 of 2007
NARAYAN SHARAM & ANR
Versus
THE STATE OF BIHAR
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5 2.5.2008 Heard.

This is a case under Sections 307,379,316 and other allied sections of the IPC.

Learned counsel for the petitioner submitted that it is a case of assault and since a new born baby of an injured of this case died after two days of his birth, the prosecution took advantage of this fact and has opposed the prayer for bail in the lower court. He further submitted that in fact the delivery took place after 22 days of the assault and the boy remained alive for two days and in the post mortem report there is nothing to show that the death of the new born baby was caused on account of assault, which took place 24 days earlier. Learned counsel has submitted that the if said assault had any impact on the pregnant lady, the delivery might have taken place on the following day itself.

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In view of the above submissions, petitioners Narayan Sharma and Mayanand Sharma are directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Farbisganj P.S. Case No. 334 of 2007 corresponding to G.R. No. 2083 of 2007.

DKS/ **(Rekha Kumari, J)**